

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

KYLE F. WALDINGER (ILBN 6238304)
Assistant United States Attorney

450 Golden Gate Avenue, 11th Floor
San Francisco, California 94102
Telephone: (415) 436-6830
Facsimile: (415) 436-7234
E-mail: kyle.waldinger@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 07-0568 MHP

Plaintiff,)

v.)

MARK JACOBSON,)

Defendant.)

PARTIES' JOINT REQUEST TO CONTINUE
STATUS HEARING DATE AND ~~[PROPOSED]~~
ORDER

It is hereby stipulated by and between counsel for the United States, Assistant U.S. Attorney Kyle F. Waldinger, and counsel for defendant Mark Jacobson, Thomas F. Carlucci, that, subject to the Court's approval, the status hearing presently set for April 25, 2012, be continued and set for a status hearing on September 5, 2012, at 2:30 p.m. The United States has learned from the Court's publicly posted availability information that the Court is available on that date.

The defendant Mark Jacobson pled guilty pursuant to a plea agreement on September 24, 2007, to one count of conspiracy to misappropriate, receive, possess, and transmit trade secrets, gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected computer, in violation of 18 U.S.C. §§ 1832(a)(5) and 371. The case was referred to the

JOINT REQ. & [PROPOSED] ORDER
CR 07-0568 EMC

1 Probation Office for a presentence report. The plea agreement also includes standard terms of
2 cooperation.

3 In light of continuing cooperation under the terms of the plea agreement, the parties
4 jointly request that the status hearing on April 25, 2012, be continued for a status hearing on
5 September 5, 2012, at 2:30 p.m. Additional time is needed for the defendant to complete his
6 cooperation with the government, and, accordingly, this matter is not yet ready to proceed to
7 sentencing. Specifically, charges have been filed against an alleged co-conspirator of the
8 defendant, David Nosal. The Nosal case is numbered CR 08-0237 EMC. The United States has
9 filed a notice of appeal in the Nosal case, and an en banc oral argument was held on December
10 15, 2011. The Nosal case will not proceed to trial until the appeal is resolved. The defendant
11 Jacobson is expected to testify in that trial. Because Mr. Jacobson will be required to testify at
12 trial, his cooperation with the government's investigation is not yet complete.

13 For all of these reasons, the parties jointly request that this Court vacate the status hearing
14 presently set for April 25, 2012, and set a status hearing for September 5, 2012, at 2:30 p.m.

15 SO STIPULATED.

16 Dated: April 9, 2012

MELINDA HAAG
United States Attorney

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19 /s/
KYLE F. WALDINGER
Assistant United States Attorney

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22 Dated: April 9, 2012

/s/
THOMAS F. CARLUCCI
Attorney for defendant Mark Jacobson

~~[PROPOSED]~~ ORDER

GOOD CAUSE APPEARING,

IT IS ORDERED that the status hearing presently set for April 25, 2012, is vacated. The parties are ordered to appear for a status hearing on September 5, 2012, at 2:30 p.m.

Dated this 10th day of April, 2012

